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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,128	12/02/2003	Gerald R. Savicki JR.	905-184	3543
20874	7590	04/26/2004	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			ESTRADA, ANGEL R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/726,128	SAVICKI, GERALD R.
	Examiner Angel R. Estrada	Art Unit 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 and 23-27 is/are rejected.
- 7) Claim(s) 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-21 and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Leon (US 5,500,487).

Regarding claim 1, Leon discloses a modular electrical device (see figures 1, 2 and 4) for use in an electric circuit, the device comprising a housing (not shown, such as an electrical junction box) configured to accommodate a frame member (1) selected from a plurality of frame members, each frame (1) being configured to accommodate at least one wiring assembly, an electrical wiring assembly (21, 40) chosen from a plurality of electrical wiring assemblies, each of the plurality of electrical wiring assemblies (21, 40) having a different functional configuration, each of the plurality of electrical wiring assemblies (21, 40) being sized to fit in the selected frame member (1); a set of terminal contacts (3a,3b, 33, 3a',3b') selected from a plurality of sets of terminal contacts, each set of terminal contacts (see figure 1) being matched to accommodate one of the plurality of electrical wiring assemblies (see figure 1, 2 and 4; and column 2 lines 36-40); and a wall plate (not shown) defining a first opening (well known in the art), the housing (1) configured to be disposed within the first opening (column 4 lines 30-35).

Regarding claim 2, Leon discloses the modular electrical device (see figures 1, 2 4) wherein said electrical wiring assembly (21, 40) includes a first switch and a second switch (see figure 2, column 2 lines 42-48).

Regarding claim 3, Leon discloses the modular electrical device (see figures 1, 2 4) wherein at least one of said first switch and said second switch (see figure 2, column 2 lines 42-48) can be a single pole switch (using 3b, 3a only; well known in the art).

Regarding claim 4, Leon discloses the modular electrical device (see figures 1, 2 4) wherein at least one of said first switch and said second switch (column 2 lines 42-48, see figure 2) is a three-way switch (3a, 3b, 33; well known in the art).

Regarding claim 5, Leon discloses the modular electrical device (see figures 1, 2 4) wherein said electrical wiring device (21, see figure 2) further including third switch (column 2 lines 42-48).

Regarding claim 6, Leon discloses the modular electrical device (see figures 1, 2 4) wherein at least one of said first switch, said second switch and said third switch (column 2 lines 42-48, see figure 2) is a single pole switch (using 3a, 3b only, well known in the art).

Regarding claim 7, Leon discloses the modular electrical device (see figures 1, 2 4) wherein at least one of said first switch said second switch and said third switch (column 2 lines 42-48) is a three-way switch (3a, 3b, 33; well known in the art).

Regarding claim 8, Leon discloses the modular electrical device (see figures 1, 2 4) wherein said electrical wiring device (21, see figure 2) further includes a fourth switch (column 2 lines 42-48).

Regarding claim 9, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein at least one of said first switch, said second switch, said third switch and said fourth switch (column 2 lines 42-48) is a single pole switch (using 3a, 3b only, well known in the art).

Regarding claim 10, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein at least one of said first switch said second switch, said third switch and said fourth switch (column 2 lines 42-48 30) is a three-way switch (3a, 3b, 33; well known in the art).

Regarding claim 11, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said electrical wiring assembly (40) further includes a receptacle (200).

Regarding claim 13, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said electrical wiring assembly (200) includes a receptacle (see figure 4).

Regarding claim 14, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said electrical wiring assembly (21, 40) further includes a first switch (see figure 2).

Regarding claim 15, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said first switch (see figure 2) is a single pole switch (using 3a, 3b only, well known in the art).

Regarding claim 16, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said first switch (see figure 2) is a three-way switch (3a,3b, 33; well known in the art).

Regarding claim 17, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said electrical wiring device (20, 40) can include a hallway light (such as a nightlight, column 4 lines 40-45).

Regarding claim 18, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein said electrical wiring device (20, 40) can include a hallway light (such as a nightlight, column 4 lines 40-45).

Regarding claim 19, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein the frame (1) has a second opening (see figure 1), further comprising at least one blank (20, 40; column 4 lines 40-45), the blank being configured to be disposed in the second opening (see figures, 2 and 4).

Regarding claim 20, Leon discloses the modular electrical device (see figure 1, 2 and 4) further comprising a lamp assembly (40, such as a nightlight, column 4 lines 40-45), the lamp assembly being configured to be disposed in the second opening (see figure 1).

Regarding claim 21, Leon discloses the modular electrical device (see figure 1, 2 and 4), wherein the lamp assembly (40, such as a nightlight) can include a remote use indicator (well known in the art, a sensor).

Regarding claim 23, Leon discloses the modular electrical device (see figures 1, 2 and 4), wherein the lamp assembly (40, such as a nightlight) can include a locator for indicating the location of the modular electrical device (well known in the art).

Regarding claim 24, Leon discloses the modular electrical device (see figures 1, 2 and 4), wherein the lamp assembly (40, such as a nightlight) can indicate the coupling of electrical power to the modular electrical device.

Regarding claim 25, Leon discloses the modular electrical device (see figures 1, 2 and 4) wherein the frame (1) has a second opening (see figure 1), further comprising an interchangeable assembly (40, 21) configured to be disposed in the second opening (see figures 1,2 and 4).

Regarding claim 26, Leon discloses the modular electrical device (see figures 1,2 and 4) wherein the interchangeable assembly (40, 21) can be a blank (column 4 lines 40-45).

Regarding claim 27, Leon discloses the modular electrical device (see figures 1,2 and 4) wherein the interchangeable assembly (40, 21) can be a lamp assembly (such as a nightlight, column 4 lines 40-45).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (US 5,500,487) in view of King (US 6,309,248)

Regarding claim 12, Leon discloses the claimed invention except for the receptacle including at least one ~~at least one~~<sup>40 4(b)(4)</sup> of ground fault circuit interrupt or arc fault circuit interrupt. King discloses a receptacle including a ground fault circuit interrupter (GFCI). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Leon's receptacle with a ground fault circuit interrupter to provide the receptacle with a sense circuitry to detect the occurrence of ground faults and provide GFCI protection.

### ***Allowable Subject Matter***

3. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 22 is:

Regarding claim 22, the prior art does not teach or fairly suggest in combination with the other claimed features wherein the frame including a placard holder.

This limitation was found in claim 22, and is neither disclosed nor taught by the prior art of record, alone or in combination.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blackwood et al (US 4,725,249), Kikuchi et al (US 5,036,168),

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Data (US 5,783,787), Belli (US 4,636,914), Lee (US 4,485,282), Balaban et al (US 5,990,436), Osterbrock et al (US 5,637,000), Okamoto (US 6,623,296), Ferrill et al (US 5,562,493) discloses a modular electrical device.

Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Angel R. Estrada

April 15, 2004



ANTHONY DINKINS  
PRIMARY EXAMINER